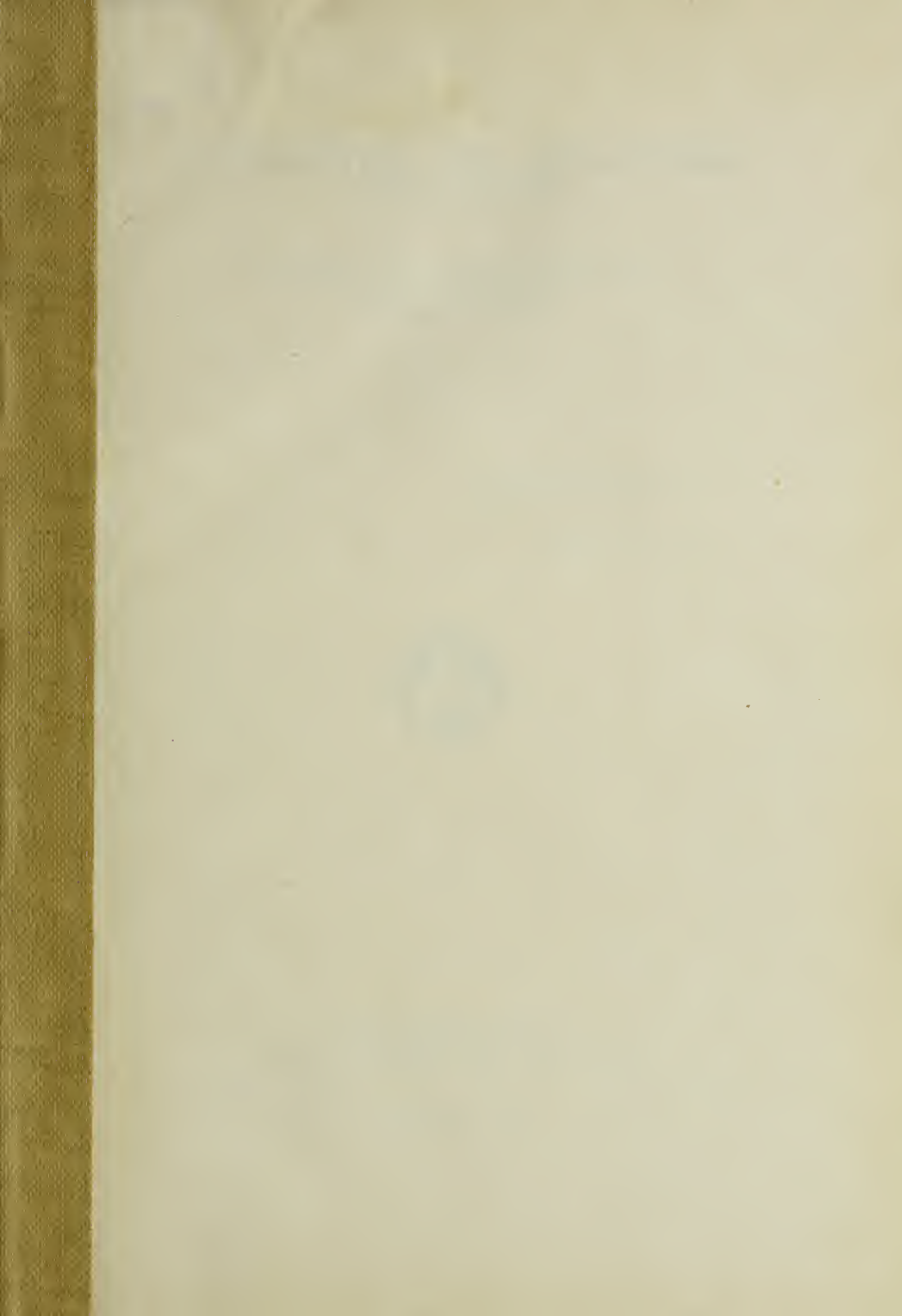


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TOWN GOVERNMENT IN OKLAHOMA

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A Discussion of the Principles and Methods of Efficient Govern-
ment for Towns.

A Review of the Methods now Employed in the Towns of the
State.

Suggestions of Improved Methods, and the Application of Sounder
Principles, Requiring Permissive Legislation in Supple-
ment of Present Statutes.

BY

JOSEPH EARNEST McAFEE,
Community Counselor, Extension Division,
University of Oklahoma

AND

MAURICE HITCHCOCK MERRILL,
Instructor in Government, University of Oklahoma

ISSUED BY THE EXTENSION DIVISION,
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INTRODUCTORY NOTE

The text of this bulletin was prepared by the Community Counselor of the Extension Division of the University, after protracted study of the governmental situation among Oklahoma communities. Mr. Merrill, a close student of governmental law, and personally in touch with conditions in Oklahoma communities, provided memoranda on which the suggested new methods of town government are based, together with diagrams from which the two cuts used in this bulletin were made. Both by his classroom work and as joint author of the standard work on Government in Oklahoma, which has been recently published, Mr. Merrill is qualified to base these suggestions upon sound law and enlightening public sentiment. He reviewed the text of the bulletin before its publication, and has assisted in its revision.

This pamphlet, and the proposals it embodies, are features of the comprehensive efforts which the University of Oklahoma is making thru its Extension Division, to bring within the reach of all the citizens of the state the educational values accumulated at the University, and to assist communities to enrich and perfect the social organization on which the life of each individual citizen is at every point dependent.

JOSEPH ERNEST McAFEE,

Community Counselor.

Norman, October, 1922.

GOVERNMENT IN OKLAHOMA TOWNS

I. THE BASES OF TOWN GOVERNMENT

The Municipality

There are two kinds of municipality in Oklahoma, the city and the town. A town may be of any size. Any center of population numbering two thousand or more, may incorporate, and become a city. There are considerable populations, here and there in the state, which employ neither of these forms, but remain under the statutes relating to rural districts.

These unincorporated villages are in no respect before the law different from a group of two or three families on farms, whose residences chance to be near one another. They are simply "wide places in the road." They sometimes include a store or stores, and some of them have one or more banks, with other institutions common to trade centers. But the laws under which they operate are those under which farming communities generally live.

Cities have the option of conducting their government under the uniform charter established by the general state law or of framing charters for their own government "consistent with and subject to" the constitution and general laws of the state. By virtue of this right of "home rule," which is guaranteed by the state constitution, cities may enjoy a considerable degree of autonomy, or local liberty. They may adopt whatever form of government seems best fitted to their needs, and may regulate their own affairs, subject always to the requirement that their acts must be in harmony with the national and state constitutions and with the laws of the state governing matters of general state concern. Even cities which operate under the general state law instead of framing their own charters enjoy a much wider authority than do towns. The government of this type of municipality is not taken up for discussion in this bulletin.

The Oklahoma town is incorporated under the laws of the state, and statute provisions define precisely the type of government under which they may proceed. Any group of people residing near each other may thus incorporate by platting their land, and providing streets and similar public conveniences and necessities. The number of people involved is not restricted by law in either

direction: there may be less than a hundred, or there may be many thousands. Certain centers with a greater population than the minimum prescribed by law for the incorporation of a city, continue to operate under town government.

It is the government of towns which is discust in this bulletin. Manifestly the social needs of a population of a few score are different from those of several thousand people. Institutions possible and desirable for larger centers are often quite impossible, however desirable they may be, for smaller centers. Social practices, such as the use of toilet conveniences prevalent in rural communities, cannot be safely tolerated in the larger towns, tho it is still considered feasible and proper to allow them to suffice in the smaller. It is usually highly desirable that centers of population grown large enough to incorporate as cities should avail themselves of their full privileges under the law. The community can, thus, far more efficiently develop its public utilities, and keep the public conscience quick to the obligations of citizenship. An overgrown town is much like an overgrown boy: awkward, uncertain of its own mind, lacking in self-control, and failing of ambitions which its size would lead the observer to expect.

It is thus, in a degree, proper for the small town or village to want to grow big, and to take on the ambitions of its size. It is proper to be a man when one has arrived at the manly age, and it is improper to continue the childish manners of the boy after this advanced age is reacht. But age alone does not determine the status of communities. Some delightful small towns are very old, and some large cities are relatively young. Size, however, is a determining factor in the proper development of a community. A large, closely confined collection of people who live under the manners and customs prevailing in rural communities is doing itself and all its citizens a great harm. As a rule rural communities ought to be rural communities, towns ought to be towns, and cities ought to be cities, the form of government being adopted which experience has prescribed as best suited to each.

Principles of Municipal Government

The most elementary and one of the most vital of these principles is that just mentiond. Town government should be employd only for populations of the size designd for its operation. Some Oklahoma towns are now going lame because they have not musterd the ambition to become cities, tho they have grown to the size which the law and custom prescribe for cities. A blanket recommendation to such, is: Incorporate as a city, and enrich your

whole citizenship by taking on the responsibilities for free self-government which society generally expects of you.

This principle is so vital that thruout this discussion we shall be inclined to urge that larger liberty for self-government be given even the smaller towns. It is generally conceded that Oklahoma town government is seriously crippled by the complicated and irresponsible system under which it must be operated. State statutes require every town to distribute its administration among a very confusing array of public offices, and such checks and balances are imposed that inefficient government inevitably results. At the conclusion there will be certain recommendations by way of correcting these conditions, and providing the liberty in town government which experience seems to prompt.

In addition to this elementary consideration, there are two other principles which should be observed in all government, discuss in our two following sections.

The Place of Politics

Running a town is a business. But it is more. It is a business of a particular kind. It is not like operating a factory for the manufacture of shoes. More psychology is involved. The sentiments of Tom, Dick, and Harry count for more. Mechanical efficiency may be considered the determining factor in manufacture. But mechanical efficiency alone cannot insure a successful town government. It may be perfectly clear to the expert that such and such a course should be pursued, but if the citizens of the town are opposed to or out of sympathy with that course, it is both wicked and futile to follow it.

A while ago many American towns and cities became so outraged by the petty methods and the open corruption of certain types of politicians, that they proposed to "chuck" all politics, and demanded that municipalities be run "like any other business." But experience has now showed us that towns and cities cannot be run like any other business, because they are not like any other business, and attempting to run them that way involves about as serious harm, tho of a different kind, as does running them after the politicians' way. We are learning that town government is a science and an art of its own type, and that methods must be worked out suited to its unique requirements.

We cannot discard politics from government. We must rather learn how to use them for the good of the community. The will and desires of the citizens are all the time changing. Government must find ways of responding promptly and efficiently to the people's will. To turn government over to the wisest man to be

found, and tell him to run our public affairs while we go about our private business, looks simple enough. It has been tried, and it has always faild sooner or later. By the time it has faild the citizens are often so far out of touch with the principles of government that they make a bad mess of setting up a system to take the place of the autocracy which has broken down on their hands.

The more efficient that kind of government is, and the longer it is allowd to run on unregulated by politics, the more serious is the crisis when the collapse does come. This is precisely the disaster under which the German people have fallen. Their autocratic system was so efficient, and they were so contented under it, that when, as has now occurd, their neighbors demand that they govern themselves according to principles which shall recognize the rights of the nations round about them, they are at a loss: they do not know how to govern themselves. The only sort of government which they have so far been able to set up is one which many of the citizens cordially despise because it is manifestly so much less efficient in administration than that to which the smooth-running machine of the Kaiser and his Junkers accustomd them. The lack of politics in the German commonwealth has proved its undoing, doubly its undoing: their autocracy went to smash and yet it robd the people of the sense of political obligation and of the political skill now required in reconstructing the wreck.

In small town government the same principle applies which is so clearly set forth in the experience of the large German society. No government is complete or safe which makes no provision for the constant education of the people in their public affairs, and for prompt response to their will in the administration of their government. This will be brought out further in the discussion of specific plans.

Administration of Public Affairs

But we are right in discovering that running a town is a business. And our American genius has developd certain principles and methods of doing business which no enterprise can afford to disregard. When it is clear that a specific task is to be performd, a street to be graded, a water plant to be builded, an electric light system to be operated so as to deliver the maximum of service at the minimum of cost, it is utterly foolish to turn the affair over to a debating society composed of citizens of all temperaments and varieties of training. A body which is admirable and necessary for the supply of the politics involvd in government is woefully incapable of administering the public affairs of a community.

We have learnd that there is much artificiality in the rigid

distinctions which our fathers of the eighteenth century drew between the three functions of government, namely, the legislative, the executive and the judicial. Such rigid differences as they set forth in our federal system are often not real and therefore cause serious inefficiency when they are strictly adhered to. But a difference is perfectly clear between politics and the administration of public utilities, and has been abundantly demonstrated to be real in the experience of our communities. We have muddled things badly by turning over matters of administration to officers chosen to supply the politics essential to good government. We have thus spoiled both our politics and our administration. We get good government in neither department.

Furthermore, corruption almost always develops among political bodies when they are set upon the task of administration. When they have to call meetings and debate each detail of the task to be performed they soon get affairs into a hopeless muddle, and those whose consciences are weak in the slightest degree discover means of turning the muddle to account in their private interest. The muddle becomes so serious that even high-minded officers see that the only way to get things done is to permit the will of one or a few to prevail at any cost. Thus the political boss has emerged, and he is inevitable under this system. Government, in sheer desperation, is left in the hands of a few who are unscrupulous enough to seize the power.

Thus it has often come about under a political system that corrupt government is more efficient than honest government. This accounts for the continued power of Tammany Hall, in New York City, for more than a century. Its government is corrupt, but it does things. The people of New York are doubtless not more dishonest than are other American citizens, making them content from time to time to return Tammany to power: perhaps they are only somewhat more practical than the people in some other localities. They become so far out of sorts with the muddling of even thoroughly honest politicians of debating-society training and aims, that they are willing to pay the corruption tribute which Tammany exacts, for the sake of getting things done with the degree of efficiency which Tammany's administration insures.

On the other hand, the rank and file of the citizens in any self-respecting community will prefer above all an intelligent political body and at the same time a thoroughly efficient and honest administration of public affairs. It is this combination which all worthy governmental science strives to discover and apply to our communities. It is this combination which all good citizens will seek

to secure for all of our Oklahoma towns. This bulletin aims to make clear the distinction between these two requirements of good government, and to show how they may be brought into such collaboration as to insure the fullest benefit from both.

Competent Public Officers

It has come to be almost as much as a citizen's reputation is worth to run for public office. Whatever his character, he seems in for a degree of defamation. A kind and generous husband and father once returned home, and asked his wife if she were prepared to learn that he was a blackguard, a rake, a renegade, false to his word, and a reprobate content to stop short only of open murder and highway robbery. She asked in amazement whether he had of a sudden gone crazy, or what could possibly induce him to put to her such a ridiculous question. "Oh," replied he, "I only wish to prepare you for what is coming: I today consented to having my name entered on our party's ticket for a public office."

This is, unfortunately, in some instances, scarcely an extreme illustration of what awaits the high-minded and honest citizen who permits himself to assume the burdens, and suffer the loss of private interests, involved in public office. Because this state of affairs so generally prevails, many towns have incompetent and corrupt public officials. Corruption is not nearly so general as incompetence. Public sentiment is far too readily inclined to attribute selfish or other evil designs to official conduct which the public does not understand. A great many public officials get the name of being dishonest who are doing the best they know how. Their defect is that they do not know enough about what they undertake to do.

In many other instances officials, under our confused and disjointed system of public administration, are held responsible for results which it is altogether beyond their power, or the functions accorded their office, to achieve. The fault is not theirs; their failure is directly and inevitably due to the muddled system of government which the community as a whole insists upon maintaining.

"Passing the buck" would seem the highest art, as it is the besetting sin, of the American character. We do it in the dealings of the citizen with his fellow in private affairs, and we practice it wholesale in public affairs. We make our officials the goat, when the sin is our own. We fetter them with laws and restrictions and checks and balances, so fearful that they will do something wrong, that they have little chance to do anything but what is wrong. Then we satisfy our sense of outrage against the evil

which results, by pouncing upon the more or less innocent victims of our muddle-headedness and negligence. If we could only get it fixt in our minds, once and for all, that each community has just as good a government as its citizens deserve, we should soon begin to deserve, and therefore get, better government.

To cure this muddle-headedness from which we so generally suffer we should apprehend clearly the distinction between the functions of government which have already been pointed out. Then, we should show intelligence in selecting officials suited by temperament and training for the required functions. What kind of persons do we need for the two phases of government which we have here discovered?

Who Makes a Good Politician?

Do not say there is no such thing. If there is not, there should be. We cannot have successful government without politics; good government is impossible without good politics, and without good citizens capable of furnishing them. Good politics are simply the shaping and applying of good policies of government. The good politician is the citizen of high character who senses the common mind and sees that it gets the chance to express itself intelligently and constructively.

The good politician must be something of an idealist, but he must be most devoted to the ideals of the whole community, and not those of his own personal and private and peculiar devising. Many citizens of high character, and lofty ideals, fail utterly as politicians because they can never bring themselves to yield to the common will, thru the surrender of some of their own individual opinions.

But the good politician must have a mind of his own. Otherwise he turns out a cheap demagog. He must be patient with slow-thinking and stubborn elements in the community, but he must not fail to lead them on as rapidly as they can be induced to move. He must be able to see what is good for people even before they see it themselves, but he must be willing to have them see it, and intelligently support each measure, rather than attempt to force them into an acceptance of his will against their own.

The good politician will hold his office as a public trust, and not as a private advantage. Of course, if any candidate lets it be known in advance that he has only private interest in the office he seeks, he will not get it from an intelligent community, in the first place. The only way self-seeking officers can come into their offices is thru pretending, during their candidacy, to have the public interests first and foremost in their desires. But these pro-

fessions of candidates have so often afterwards proved insincere that the voting public has grown more or less cynical about the possibility of finding officers to whom the community interests are primary, and they rather expect their officers to make the public service a good thing for themselves, more or less at the expense of the community. Mainly for this reason it is stipulated by law in the case of certain offices, and an unwritten agreement is reached in the case of others, that no person shall occupy the same office for more than one or two terms. This manifestly involves a vast amount of waste, and makes a more or less weak and inefficient government inevitable.

The surest test of the unselfishness of the politician, and his sincerity in pretending to consider the public interests first, is shown in his willingness to support measures which will put the irresponsible serving of his private interests entirely out of his reach. The new methods of city administration have been designed to do this, and they are uniformly and often bitterly resisted by self-seeking politicians. The good politician will welcome measures which bring his official actions completely into the open, and make it impossible for him to serve purely private interests by any of them. All sorts of laws have been passed seeking to bring this about, but undesirable politicians in power have often resisted and circumvented them. We need an order of politicians who will encourage such laws, and see that they are honored in all their public actions.

The good politician is not necessarily a technician of any sort, except in that of discovering and interpreting the common will. He must be popular, in the best sense of the term. The people must know him and trust him. He need not know how to do all, or even any one, of the increasingly numerous things which the public administration attempts to do for the community. It is necessary, therefore, that government be so organized that he shall not be expected to do any of these things. His special function is to know, and accurately to interpret the community's mind. This is enough; he ought not to be expected to discharge any other public function. He and his associates should make the laws and determine the general policies under which the public affairs are cared for. He should not be expected to supply the technical skill of various kinds which is required efficiently to carry out these measures. The same qualities which make him a true interpreter of the common will, will make him a keen judge of who and what kind of administrators will supply the technical skill required in the public service. If he keeps the public interests uppermost in his desires, he will readily find technicians who will be devoted

only to the best possible service in the field of their technical skill.

The best forms of municipal government now being devised aim to make use of this type of politician. They seek to give the people a chance to pick out this kind for their political offices, and to keep the other kind out of all offices. The plan suggested later in this bulletin are in line with this aim.

It is clear from what has been said that the politician, even the good politician, is not sufficient, in and of himself, for good government. He cannot do the whole thing. His part is only a part. Our great mistake has been that we have turned government over to politicians and only to politicians. We have zealously sought to find good ones, let us agree. But even when we have succeeded in finding that sort, government has not proved satisfactory. The reason ought now to be clear. We have expected our public officers to do what no politician can do or should be expected to do.

Who Makes a Good Administrator?

That part of the public service which the politician cannot do and should not attempt, we must find another type of public officer to perform.

In the days before the public service became so elaborate and complicated as it is now, the community got along much better with politicians and only politicians in office. Every decade now, however, adds to the service which government is expected to render to the people. This service is not only vastly increasing in volume, but it is growing more intricate, and requires an ever higher degree of technical skill. Water works, electric light systems, sewage disposal plants, parks and boulevards, call for the best engineering and artistic technique which modern science supplies. Public enterprises are often the largest in the community, and call for the most capable management. The modern town requires in the public service a variety of highly trained and otherwise competent technicians.

If such a technician is a good politician, it is an accident. And it is a rare accident. The very fact that an individual is a good politician incapacitates him from the highest skill in some technical professions. It would spoil some men greatly needed in public office, if they should attempt to become politicians. The prime test of such officers is their superior technical training and experience and skill in the field of their specialty. For engineering offices the question is: Is the man a competent engineer? He should not be, and should not attempt to be, a politician.

Now, it is manifest that the means by which this type of officer gets into office must be different from that by which the

politician comes into his office. Popular election is the best means devised for securing the latter. But it is no way at all to secure the former. Popular elections can wisely put only politicians into office; they fail to provide skilful technicians and competent administrators. These must be sought out and appointed by good politicians elected for that purpose.

The wisdom of this method has been demonstrated by experience in government. The suggestions made later in this bulletin are in line with this experience. It has been found wise to limit the duties of political officers to the two functions, first, of shaping the general policies under which the government is conducted, and, second, appointing the administrative officers who furnish the technical skill required in their fields. Their duties should be limited strictly to these. They should not permit themselves to assume responsibility for details of administration, nor to be in the way of temptation either to attempt what they are not trained or elected to do, or of utilizing their public power for private interest.

The other two sections of this bulletin set forth the system of government now employed in Oklahoma towns, point out its defects, and suggest measures aiming to correct these defects. Two diagrams are employed to show graphically the contrast between the present defective system and the proposed improved system.

II. PRESENT SYSTEM OF TOWN GOVERNMENT IN OKLAHOMA

As already pointed out, towns in Oklahoma operate under strict statutes. They are not permitted the autonomy or local liberty which is accorded the cities. The tendency among governmental scientists is to question the wisdom of this, and to advocate giving the smaller centers larger liberty in ordering their own affairs.

When the present constitution of Oklahoma was adopted, and the state was still very young, there was doubtless much propriety in safeguarding the public against the reckless measures of small groups of people who made up the original towns. The population was very changeable, and all kinds of corrupt practices were possible and probable, if those who chanced to be the residents of a given town might freely vote heavy bonds, reap the benefit in fat contracts in the public service, and then move on to allow their innocent successors to struggle under the burden of public debt. The new state needed to defend its reputation against such reckless practices.

But the state is now older, and more settled. Most conditions have changed radically, and it is generally agreed that the development of the state is being seriously retarded by the needlessly hampering restrictions under which towns must conduct their government.

Violation of Principles of Good Government

The principles which we have sought to point out in the preceding pages are being violated by the present system of town government. These defects may be listed under three counts:

First. There is too much dependence placed upon popular election as a means of putting public servants into office. Good government requires that certain officers shall be elected, as we have seen, but good government makes it quite as imperative that others shall come into office otherwise.

Second. There are, as a rule, too many offices, none of them is properly remunerated, few officers can afford to devote themselves wholly to the public service, and there is thus a great amount of inefficiency. This is an injustice to faithful citizens who accept these offices and serve under such serious handicaps, and it is a disservice to the community as a whole.

Third. There is no clear distinction made between the two

types of public officers which we have found to be indispensable to good government. Most are of the politician type and few are technically equipped to render the service expected of them. This, again, is an injustice both to the citizens serving in public office and to the whole community.

Keeping these points in mind, note the diagram, Figure 1. It shows the number, variety and relations of the officers which each town is supposed to have under the state laws.

FIGURE 1.

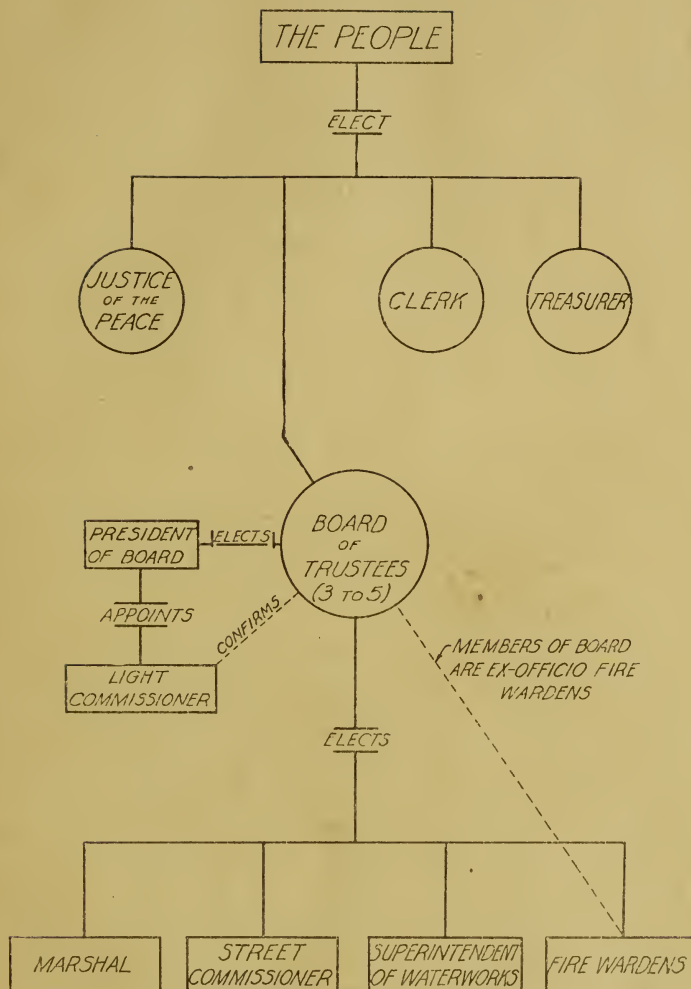


Diagram showing offices and their relations in the Oklahoma town government, as provided for by present state statutes.

Town Officers in Oklahoma

The Board of Trustees is composed of three or four or five citizens. These are the law-making body,—so far as the town is permitted to make its own laws. They are properly elected by the people. They should be politicians, and should be the best citizens of this type to be found in the community. This sort is not now uniformly chosen for several reasons. They are expected to do so many impossible things, and they are so severely criticized by their fellow-citizens for not doing what they are expected to do, that after one term's experience, it is often impossible to induce high-minded citizens to accept election. Furthermore, the duties are so indefinite, and often prove such a burden, that busy citizens are unwilling to undertake the vexatious and thankless tasks involved. Thus good towns are sometimes compelled to content themselves with mediocre and even flagrantly self-seeking trustees. This is very serious because of the large and undefined powers which are accorded these offices.

The clerk is elected. Yet this is the office of a technician. He should not be of the political type. He should be a good clerk and have some ability and training as an accountant. If he is chosen by the people because he happens to be popular and known by all to be a good sort of a fellow, the chances are that the town must put up with a mediocre, if not an out-and-out inefficient clerk. This is an administrative office, and the incumbent should not enter it thru popular election.

The Treasurer is an officer of a similar type, yet he also is elected. The common practice is to elect the cashier, or some other member of the staff, in a local bank. If there is more than one bank, the "plum" is passed about among the banks of the town, or else the office becomes a bone of contention between factions, one favoring one bank and one another. The "plum" is sometimes juicy and zealously sought after. In other cases the banks consider the small deposits of public funds of little consequence and "wish" the job back and forth upon one another, in jest, or insisting that each shall take its turn in carrying the burden. The officer so chosen usually has certain of the qualities required, but often lacks others. He is sometimes high-handed, or perhaps more often, he is excessively timid. He makes himself needlessly obnoxious by grabbing for his bank what may be got thru the public treasury, or he fails to collect some accounts lest offence may be given which will react in injury to his bank's private business. Politics should play no part in the administration of this office. The officer should not be popularly elected.

The Justice of the Peace is elected. He is sometimes the most important functionary in the town, and sometimes he is of so little significance that the citizens generally do not know who holds the office. Occasionally he is styled "Mayor," and in some cases presides at the meetings of the Trustees, altho no law exists which authorizes either of these practices. The laws over which he presides are mainly those imposed upon the town by the state, so that he is a town officer in a more limited sense of the term than are the others included in this list. The question is much debated all over the country as to whether judicial officers should be popularly elected or should be appointed by an elected board or commission or by some prominent political officer. The latter is the time-honored method, and the former has been adopted as a result of certain movements which have swept the country. Until experience or governmental science shall definitely settle the question, this judicial officer may well be chosen in Oklahoma towns as at present, thru popular election.

The Light Commissioner is appointed by the President of the Trustees, who in his turn has been elected to his office by his associates on the Board, the Commissioner's appointment being confirmed by the Board. This is a round-about way of putting the Commissioner into office and places him on a somewhat different basis from the other appointive officers named below. The office is administrative, and the officer should be appointed, as the law requires. But the appointment should be by the same method as that of other officers of the same class. Furthermore, the duties are often not sufficient to occupy the whole time of a competent man. He is therefore also expected to be engineer in the power house, or perhaps has other duties assigned him, which are incongruous with the more important functions with which he is charged.

The Marshal is a very important officer even in the small town. There may be little for him to do in the arrest of criminals, or in the defence of the community against violence. But there is a constant tendency to sacrifice the good name and the efficiency of the town government by petty infringements upon the law. This office should be impartially administered. It is properly appointive. Politics should be kept as far from it as possible, and the incumbent should be under no obligations whatever to pay off political debts. Yet the Marshal is elected by popular vote in some towns. This is not in accordance with the law, and it is certainly not conformable to the principles of good government. In the large cities, affairs are in constant turmoil when the police "get into politics;" governmental science advocates the most stringent measures to avoid this.

The Street Commissioner is appointed, as he should be. This is an administrative office. A certain degree of technical ability and training is necessary, even in a small town. The duties are not ordinarily such as to require the full time of a competent man; they are therefore sometimes assigned to one of the other town officers, which is not in accordance with the law, or else they are neglected by the person who nominally holds the office, but is too busy about other matters of private concern or is indifferent to the public interest.

The Superintendent of Water Works should, of course, be a man of technical ability and training, and is properly appointed. He is usually the chief engineer, or in the smallest towns, the only engineer in service at the municipal power plant. Where the citizens are provided with their water under private auspices, there is no provision in law for this officer.

Under the law, the trustees are ex-officio Fire Wardens, and may appoint one or more additional wardens, whose duties are to carry out such policies of fire protection as the trustees adopt. These are properly appointed, since technical skill is desirable, especially in the chief who is usually the head of the fire department, which in small towns is made up of citizens who volunteer their services in the manning of the simple fire-extinguishing apparatus which the town maintains. Sometimes such service is remunerated by the citizen or citizens whose property is rescued by this corps of volunteer firemen, the fees varying with the peril, or the value of the property rescued, or, more often, with the generosity of those served. As a rule, insurance rates are low in small towns, but it has often been demonstrated that they can be materially reduced by communities which put a thoroly efficient officer in charge of this department. Economy and self-respect, therefore, prompt paying far more attention to this office than is usually given it. The fact that the duties of themselves are not sufficient to require full-time service, has, as in the case of several other offices, led to general neglect and consequent inefficiency.

Merging of Offices

There are various combinations in which these offices, none of which is sufficiently exacting in a small town to require the full time service of a competent man, have been here and there merged. The most remarkable case which has come to our attention, is that of a town in the southeastern corner of the state, where the officer who was elected by the people as Clerk, as provided by law, was appointed to five other offices, namely, those of Light

Commissioner, Marshal, Street Commissioner, Superintendent of Water Works, and Fire Warden. The remuneration connected with these offices is partly thru monthly salary allowance from the public funds, and partly thru fees. The total income of this public servant, from the six offices he holds, is about one hundred and fifty dollars per month.

To fill this combination of offices a man was chosen who has abilities and training which qualify him more or less adequately for all. His service in the Navy gave him some skill as a policeman, a mechanic, an accountant and a manager, while previous experience as a stenographer and secretary completes his accomplishments. The town is of sufficient size to require the employment of a few other persons as helpers and laborers.

This had been believed to be a very happy suggestion for all Oklahoma towns who desire to overcome the inefficiency which now seriously handicaps their government. The plan was adopted under what was assumed to be competent legal advice. But scrutiny of state law shows that neither this town, nor others disposed to follow a plan of merger, are within their legal rights. Indeed, it would appear that no merging of salaried public offices is lawful, for a statute forbids any person "holding any office under the laws of the state" to hold any other such office during the term of the first office. This prohibition even extends to deputies. Thus the merging of offices in any of our towns is illegal, and, if any citizen where this practice is employed chooses to object, he can require the trustees to rescind any duplicating appointments which they have made, or compel the citizens to recall any duplicating elections.

The ignorance of this law, or its disregard in spite of knowing of its existence, alone saves many towns from even greater inefficiency in their government than that from which they now suffer. This condition tends to bring law and government into disrepute. The evil can be corrected, it certainly ought to be corrected, and a method of doing so is suggested below in this bulletin.

One may readily see the reason, and the apparent justification for this statute which involves so much mischief. It was doubtless prompted by the best of intentions. Great abuses might develop under an unregulated and irresponsible duplication of public offices. The framers of the statute doubtless knew of cases of abuse, and they aimed to abolish them by this means. But it was not observed what serious injustice would thus be done officers and communities who wish to save expense and insure better public service by recognizing and applying the principles of good government

which we have reviewd above. It will be comparatively easy to guard against all these evils, and, at the same time, put communities in the way of maintaining orderly and efficient government.

III. A BETTER SYSTEM OF TOWN GOVERNMENT FOR OKLAHOMA

Revolutionary measures do not pay. They rarely succeed even temporarily in effecting the remedies upon which they are bent. They always lead to reaction which makes progress slower than that which may be gained by orderly and gradual processes. Many conservative Oklahoma citizens recognize serious defects in the present state constitution, and the body of statutes based upon it. Within the next few years, the people will be given the opportunity to determine whether they will have a new constitution and what kind it may be. Perhaps then measures will be advocated by way of correcting the evils now apparent in town government. But before that event, and right now, with the convening of the next legislature, simple and thoroly conservative steps may be taken to relieve our towns of the handicaps under which they labor.

Permissive Legislation Required

The same power which ordaind the present statute regulating town government can readily ordain another law to afford the desired relief. The legislation need only be permissive. The law may allow towns which so elect to continue under their present type of government, but it may give liberty to such towns as desire, to order their government otherwise. Precisely this has already been done for the cities of Oklahoma. Each is at liberty to adopt the aldermanic type of government, the commission form, or the commission-manager form. Within each of these types there is broad latitude allowd. Indeed the latitude is so broad that some cities are found to have adopted plans of government which directly violate certain state statutes. This, of course, is due to negligence, rather than open intention.

The city-manager form of government has proved a great boon to many Oklahoma communities. As many as 28 cities have adopted it, and there are indications that it will spread rapidly to others. Some of these fail to apply the system consistently, and thus fall short of its full benefits, but even so, there is no tendency to revert to older aldermanic or commission

systems, either in this state or in other parts of the country where the commission-manager form has been tried.

This manager form is doubtless not altogether the last word in municipal government. No mere form is final in a growing civilization. Better brains will devise new and improved methods one of these days, and the citizenship will be educated to the point where better systems will be workable. But, in the meantime, this commission-manager system of city administration is the most efficient and most democratic now recognized. There is some indication that schemes of proportional representation will prove superior under certain conditions, but few communities are now sufficiently well educated to undertake a program which looks so complicated as does the proportional representation plan of election to the average layman.

Oklahoma statutes permit any and all centers of 2000 or more people to adopt the city-manager system. Smaller towns are not permitted to adopt it. Yet these smaller places deserve the best which governmental science has developed, because they are so numerous and their problems of citizenship are so important. Simple permissive legislation would put this manager system within reach of these communities also. Why not have it? The method should not be forced upon towns which do not desire it, or whose people are not sufficiently alive to the value of intelligent and aggressive citizenship to make it work. But legislation which opens the plan to those who can effectively use it would be just to all and unjust to none.

Exactly the system used by larger cities which have adopted the commission-manager plan might not prove acceptable to smaller towns, but they may well have access to the major principles involved. It would not seem necessary to change the name, or the number, or the method of choosing, the trustees of the town. Experience shows that their duties be modified, so that the community could command for this service citizens who now find it undesirable or impossible to accept office, and so that the inefficiency might be avoided now resulting from the unintelligent mixture of governmental functions which do not belong together.

Experience also suggests that the law should permit combining administrative duties which are now arbitrarily distributed among several unrelated offices. If each town were permitted to employ no more officers than are actually needed to render

the service required by the public, and if each were permitted to provide, at whatever expense true economy requires, for the best and all of the service which the citizens desire from their government, justice would be done to all and injustice to none.

A Suggested Plan

The diagram sketched in Figure 2 suggests a plan which it is believed will meet these demands.

FIGURE 2.

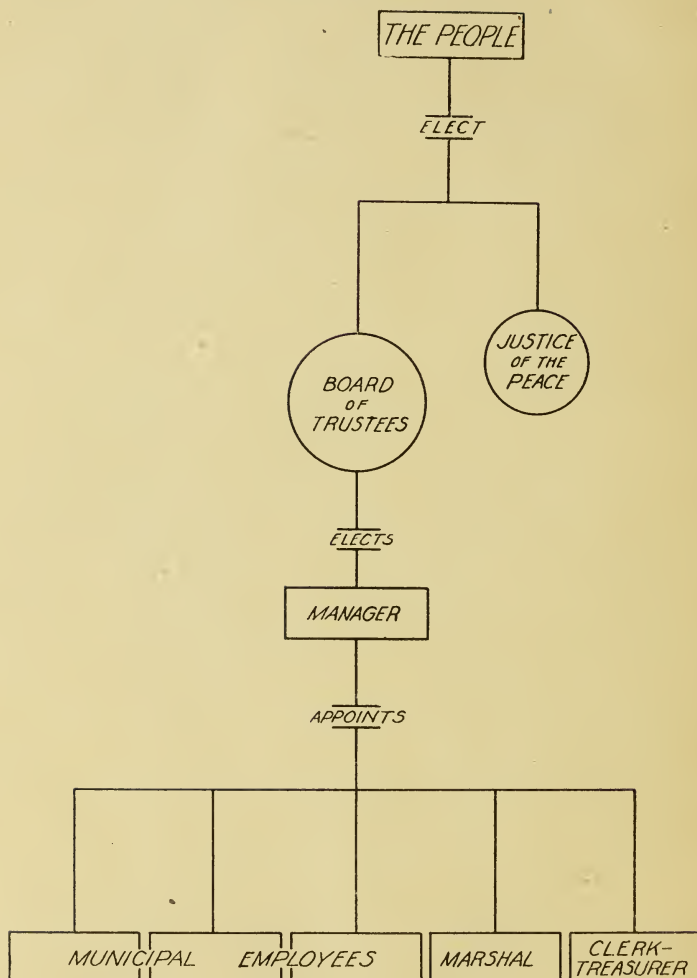


Diagram showing offices and their relations in town government for Oklahoma, as provided in new permissive legislation suggested in this bulletin.

In this plan the functions of the Trustees are confined to the determination of the general policies of the town government, and the selection of a Manager who shall have full responsibility for executing the ordinances upon which they have decided. It should be understood that the Trustees are not to interfere in the details of the administration. They thus have not the power and may not yield to the temptation to play small politics in the appointment of administrative agents. This is within the power and is the responsibility of the Manager alone.

No Trustee need be occupied with petty anxieties relative to the government of his town. No sudden emergency, the storm which floods the streets and sewers, the running amuck of a neighbor's livestock, the juvenile excesses of a Hallowe'en,—no such events need draw him away from other obligations, to fulfill his duty to the office he holds in the town. All such matters are in the hands of a capable administrator who has been chosen, is salaried, and is expected to devote his entire time and attention to the orderly conduct of the details of government.

Thus the town can command the services of the most capable and representative citizens for the office of Trustee. This manager system has been found the most democratic form of government yet devised, because it thus makes available the busiest and best citizens for the shaping of policies and the determination of budgets. The time required for regular meetings of the Trustees is the principal or sole draft upon the time and energy of its members. With a wise choice of manager these meetings need not be frequent or protracted.

The plan leaves the Justice of the Peace in the same relative position as that he now occupies. As already pointed out, he is more a state than a local officer, since the laws which he adjudicates are mainly those imposed by the legislature, and the constitution of the state. Besides, the field of his jurisdiction is often not co-terminous with the town corporation.

All other offices are recognized as administrative, and, in accordance with the principles set forth in the first section of this bulletin, incumbents are appointed, not chosen by popular election. These agents are many or few as conditions and economical administration require. The duties of the clerk and the treasurer, both of whom are now elected by the people, are of this nature no less than others. Economy and efficiency suggest that the two offices be combined in most towns. Now that Trustees uniformly require bond of all fiscal agents and provide

for strict audit of all accounts, the duties of a treasurer are clerical and routine, and are not sufficiently heavy in any small town to occupy more than a tithe of the time of any competent person.

The Town Manager

This office and the system of administration for which it provides will certainly prove an innovation in the town which has been operating under the plan now provided for by state statute. That is the virtue of the proposal. The plan is designed to put order and thoroughness and efficiency into a government which is now running at very loose ends in large numbers of towns.

The charge that this plan turns over a town to an autocrat who rules as his personal will or caprice may dictate, is very far wide of the mark. As stated above, this has been found the most democratic form of government yet devised. The manager is chosen to administer ordinances approved and published, well known and accepted by all citizens. He cannot transcend them in any respect without rendering himself liable to immediate dismissal from office. He is not chosen for any specified term. An elected officer may run amuck, and violate the plain provisions of the law, yet he can be removed before the expiration of his term only by the most exasperatingly tedious processes of litigation. This manager can be removed for cause at once by the vote of the chosen representatives of the people, the Town Trustees.

The Manager enacts no ordinances or other legislation whatsoever. He is purely an administrator. He has no arbitrary power over the lives or property of the citizens. He is a servant of the people in a sense and with a sincerity of purpose rarely or never attained by an officer who has won his office thru the demagogic methods which our political campaigns have made all too common.

The case has already been cited where an enterprising town stretched or violated the present statute by assigning the duties of six offices to one man. In many small towns a capable manager would properly be almost the sole administrative officer. Assistants or laborers might be employed as pressure of public work might demand, and be discontinued with the passing of the need.

At the same time, the system is so flexible that the community can assign any volume of public service to the town government which the citizens may desire. Many a town would

find it a real economy to increase its taxes largely, and require of its government a greater volume and variety of service. Not only water, light, sewage disposal, scavenger service, the grading, paving, cleaning and parking of streets, and other such generally expected service, should be rendered efficiently by the town government, but health programs of far-reaching value, community market facilities for agricultural and other food supplies, and numerous other lines of service are now being exacted of efficiently organized municipal administrations. Such tendencies are thoroly wholesome, are in the interests of all the citizens, and need be limited only by considerations of social efficiency and economy. Of course such a program is impossible except under competent management.

The character and preliminary training of the Manager will naturally be controlld by the character and extent of the service the citizens of a given town expect of their government. In some cases he should be of a mechanical turn; in others he should have engineering training; in still others accounting ability will be one of the most important qualifications. In all, however, he should have distinct and tested managerial ability. Management is a science and art of its own character. Other technical accomplishments sometimes limit or qualify this particular skill. Not every engineer is a good manager. Not every good manager is also qualified as an accountant, or a mechanic, or as an artisan or technician of any other type. Good management is what every town, large or small, needs most of all and indispensably in this office. The good manager will find and employ the requisite skill in other technical departments. It is a general belief that good managers are born, not made. But many are born. It is possible to spoil them by poor training, or by none at all. Even the born manager will not be a large success, simply by being originally endowd with the latent talents. The machinery of education will be set upon the task of finding and training such managers, as soon as it is clear that they are wanted.

Good managers are wanted for the cities; this has already been made clear. If the towns will show that they also wish enlightend and efficient government, an order or profession of administrators will speedily develop, sufficient in numbers and training for the whole range of municipal government. Communities can greatly help one another in developing this order. One will learn from the experience of the others. Each will do

its share towards furnishing managers with the widening experience which must be built upon the theoretical instruction, which, in turn, the schools of technical training must and will gladly supply.

Your Part

There remains only to do what it seems so evident should be done. Legislators will pass the needed laws, to open the way for this improvement in town government, if the citizens clearly speak the word. That is their business: to make the laws which the people want. Educational institutions will provide the needed theoretical training. That is their business: to train for the vocations which society demands. Do the citizens in our towns want this better government? That is the sole question upon which there can remain doubt, and you, Mr., Miss, Mrs., Citizen can, and you alone can clear up that doubt.

Each citizen carries his own share of the responsibility. The humblest can inform himself, and can pass on his information, at least within the circle of his acquaintance. From such beginnings the gospel of better town government will spread to all ranks. The responsibility for making a move does not stop even with your community: it is finally traced to you, the individual citizen, of however exalted or humble station. If you are conscientious and intelligent, you must be impressed with the need of improvement in this field. It lies within your power to do something about it, and something which, if persisted in, will finally accomplish what is so clearly in your interest and in the interest of all your fellow-citizens.

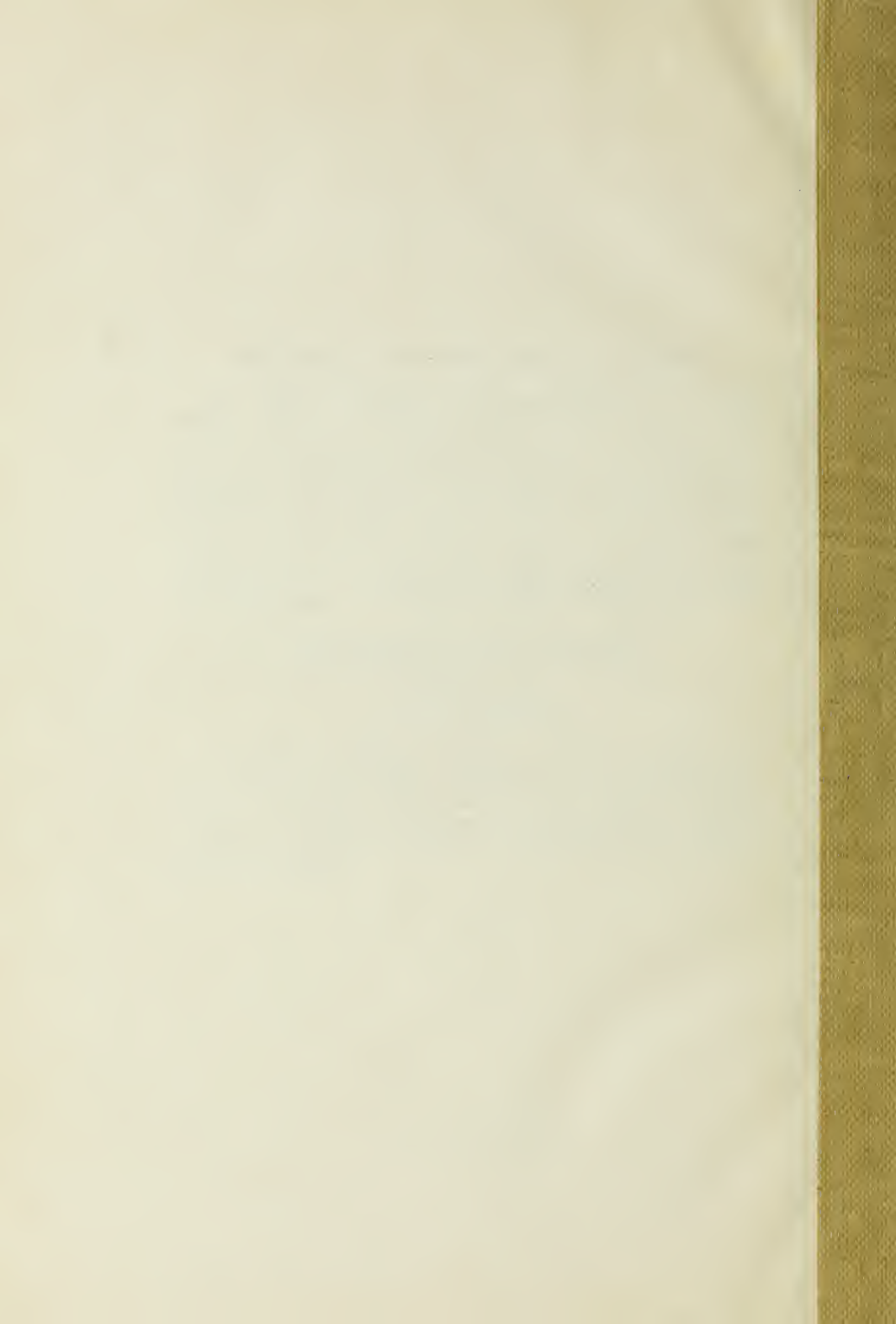
You may count upon the co-operation and assistance of the Extension Division of the University in this, as in all other measures looking toward the enrichment of our Oklahoma community life, and this means that the educational resources of the entire institution are at your command for such assistance as each department is organized to render the citizenship of the state. This policy of service sets little store by mere forms. The good of the community is the first and last concern of all. If forms and methods suggested in this or any other of the university bulletins are not the best to be devised, then let us get our heads and hearts together to find them. The aim of a conscientious and intelligent citizenship is supreme. Given that, the happiness and prosperity of all the people will follow as does light the shining of the sun.

UNIVERSITY OF OKLAHOMA BULLETIN

The University Bulletin has been established by the university. The reasons that have led to such a step are: first, to provide a means to set before the people of Oklahoma, from time to time, information about the work of the different departments of the university; and second, to provide a way for the publishing of reports, papers, theses, and such other matter as the university believes would be helpful to the cause of education in our state. The Bulletin will be sent post free to all who apply for it. The university desires especially to exchange with other schools and colleges for similar publications:

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